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No. 86-1795

In the Supreme Court of the United States

October Term, 1986

ROBERT J. KONDRAT,
Petitioner,

vs.

BARRY M. BYRON, MELVIN G. SCHAEFER
AND GEORGE KRAINCIC,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

REPLY BRIEF OF PETITIONER

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Upon a review of the Respondents' Brief in Opposition, it is apparent that clarification of the Respondents' interpretation of the facts and relevant issues in the instant case is necessary.

ARGUMENT

I. The Respondents have argued on page 5 of Respondents' Brief in Opposition that Petitioner has brought his eightieth (80) frivolous action. Petitioner argues that if this be true, then there is something seriously wrong with a profession, and with the judicial system of this country.

The question is asked, why must one person in this nation be required to go to such lengths in search of justice? Especially when the litigation stemmed from one event, the right to petition the government for a redress of grievances. Petitioner's grievance was the non-enforcement of the laws.

Respondents denied their non-enforcement of the laws, and as retribution for Petitioner's First Amendment exercise, fabricated criminal activity against Petitioner. At a trial, the Respondents scheme was exposed and the case dismissed against Petitioner.

The Respondents' denials of not enforcing the laws were the cause for Petitioner to seek recourse through the courts. Ten (10) years after the Petitioner's exercise of the First Amendment and the litigation that followed, the Respondents admitted to the truth of their non-enforcement of the laws.

Now the Respondents are claiming that the Petitioner was responsible for some eighty (80) frivolous suits. The fact is, had the Respondents enforced the laws, and not denied the existence of an illegal operation, there would not have been Petitioner's exercise of the First Amendment and any subsequent litigation. If there are eighty (80) suits as the Respondents contend, then they have nobody to blame but themselves. It was the Respondents who, through their denials and non-enforcement of the law were the cause for the very litigation that they are now attempting to use as a defense in the Petition.

II. Respondents have argued on page 7 that they have prevailed in the eighty (80) suits on every occasion except for pending cases. Petitioner argues that the Respondents have prevailed only because of the following:

1. Because the Petitioner had to litigate without the aid of adequate legal counsel.
2. Because the Respondents committed continuous perjury that deceived the courts for over ten (10) years.
3. Because no court would grant a trial or consider Petitioner's evidence in each action that showed more than sufficient information in the record to conclude that Petitioner had a non-frivolous basis for filing suit, and that Petitioner was the prevailing party.
4. Because a Respondent had once worked in the federal court system and enjoyed treatment as a former employee.
5. Because a Respondent was influential in a political party and enjoyed special treatment from this political arena which included members from the court.
6. Because many issues dealt with civil and human rights which the courts elected to suppress rather than expose the actions of governmental officials taken against the people of this country. The courts were joined in this endeavor by the federal government.
7. Because of deliberate obstruction of justice by the court.
8. Because of political patronage that saw a former state chief justice lend support by ruling that there were no constitutional questions, including the *Miranda* warning.
9. Because of the practice of entrapment by the court.
10. Because the court permitted the submission of false evidence.

The above are but some of the reasons why the Respondents have prevailed. With odds like that, what more could be expected? The linking of each action, the issue and decision, together with the facts, precludes a presentation due to the space permitted by the Reply Brief. However, when all hooked together they do not present a rosy picture for certain factions.

The courts attempted to rescue their own. As litigation continued, the life preserver was tossed. In doing so, the courts themselves became enmeshed and sank deeper each time. Now the courts are at a point of no return where they don't dare render a decision in favor of the Petitioner. For like a row of dominos, one favorable decision would topple the whole pile. In some ways, the Petitioner can only feel sorry for the predicament in which they find themselves. Hopefully though, some good may evolve that will be of benefit to all Americans.

III. Respondents have argued on page 3 that Petitioner has filed 4 separate lawsuits based upon the same or similar issues as the prior 3 frivolous actions. Petitioner would like to clarify the Respondents interpretation of the facts.

Cases C86-2384 (item #3) and C86-4912 (item #4) are one and the same. Case number C86-2384 was dismissed by Petitioner after learning that the Respondents had confessed to having knowledge of the illegal operation for over ten (10) years, and that the Respondents were taking action to enforce the law by prohibiting its operation. However, when these good intentions did not materialize due to the intervention of a federal judge that prohibited the injunction from being litigated, the Petitioner reopened the same case. The issues in both cases were identical, the freedoms of domestic tranquility,

justice, life, liberty and the right to live in peace. Petitioner had been shot at, neighbors have been terrorized, and a guest of Petitioner was abducted and assaulted. These issues are not frivolous matters.

In case number C84-1230 (item 2) the issue was conspiring to defraud. In case number C85-125 (item 1) the issue was a deprival of due process and equal protection of the laws. In case number 83-CIV-0497 (page 3) the issue was for the *second* property devaluation as a result of non-enforcement of the law. In case number 80-CIV-1263 (page 2) the issue was for the *first* property devaluation due to non-enforcement of the law. With the exception of the same case that was filed twice, and with the exception of the two property devaluations, the issues in all cases are not only different, but are also not frivolous.

The use of the word "frivolous" by the Respondents and the courts is convenient when no other defense can be mustered and the courts can find an easy way out for the conclusion of litigation. It would appear that the use of this word by the Respondents in their argument is an admission of defeat.

IV. Respondents have argued on page 4 that the lawsuits filed by Petitioner clearly demonstrate the disrespect Petitioner has for the judicial system and for these Respondents. Petitioner argues that he has no disrespect for the judiciary, the Respondents or anyone else. The Petitioner has called a spade a spade. If the Respondents want to interpret this as disrepect, so be it.

It was not the Petitioner who fabricated crimes, lied in a court of law, or was the cause of some eighty (80) lawsuits. It would appear as though it was the Respondents and certain factions of the judiciary that have been disrespectful, not only to the Petitioner, but to all Americans.

CONCLUSION

The Petitioner never envisioned that obtaining justice could be so difficult in our system of jurisprudence. Due to the fact that the fundamentals of right and wrong have taken a backseat to special interests and commercialism, little can be expected in the way of justice. It's no wonder that the legal profession and the courts are held in such low esteem by the public.

Whether this court is favorable or unfavorable to the Petitioner is of little concern to one individual. The fact that after more than ten (10) years of litigation that was thrust upon the Petitioner by others, it is apparent that there is little, if any, consideration by the judiciary for the supreme law of the land, the U.S. Constitution. This is what disturbs the Petitioner more than anything else.

This court is in a position to bring back on course a judiciary that has strayed badly from the basics set forth by the Constitution. The Petitioner does not ask that it be done with this Petition. It will take more than one case to reestablish the integrity of a system that is now looked upon with suspicion.

As a pro se litigant for over ten (10) years, the Petitioner has been closer to the judicial system than the average person. The experience has been an eye-opener. It is unfortunate that everyone can't experience what Petitioner has experienced. A better and stronger government would result. It is the intention of the Petitioner to convey this to this court, hoping that it will listen to the thoughts of one citizen who has spent so much time in quest of justice, and who was able to gain a good insight into the functioning of a profession and the court system. There are many inequities that need attention. If not

corrected, future generations will be at the mercy of the injustices to which Petitioner was subjected.

The Petitioner Robert J. Kondrat respectfully prays that this court issue a writ of certiorari to the United States Court of Appeals for the Sixth Circuit to examine the important issues raised.

Respectfully submitted,

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